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AUTHOR Bond, Linda
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ABSTRACT

Student concern regarding faculty unionism does not stem from a belief that public employee collective bargaining is bad public policy. To the contrary, most students recognize the civil right of employees to organize and bargain collectively. Their concern stems from the impact that collective bargaining ha had, and will have, on the quality of university instruction, and the participation of students in university governance. They are concerned that increases in salaries and fringe benefits won by faculty unions will come out of students' pockets in the form of higher tuition. Students are afraid that faculty collective bargaining will freeze them out of their participation in campus decisionmaking. Student involvement can be accomplished in the following ways: to ask for judicial intervention in the event of a faculty strike, to seek observer status at the negotiations, to seek participatory status in the bargaining between faculty and administration, to establish limited tripartite bargaining through legislation that would limit the issues on which students could participate and exercise a veto, and to gain full tripartite bargaining through lobbying for legislation that would protect student interests. (Author/PG)

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(916) 442-3827
926 J Street, Rm. 216
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COLLECTIVE BARGAINING AND ITS IMPACT ON THE LEARNING ENVIRONMENT: The Need For A Closer Look

Speech Delivered by Linda Bond
Co-Director, U.C. Student Lobby
29th National Conference, American
Association for Higher Education

Picture, if you will, the following scenario: Sometime in the 70's the student union at a large university announces that it has "voted in favor of a mass refusal to pay tuition if it goes up at all as a result of the faculty union's intolerable pressure on the administration."[1] Duplicating a faculty tactic of a few weeks earlier, the students read a list of demands that has just been presented to the university administration. A new line of pickets encircles the administration building. The campus, which survived the turmoil of the sixties, is disrupted once again. Student leaders seek and gain limited participation in negotiations between the faculty and administration. It is later reported that their role has been a decisive one in the areas of faculty workload, promotion, class size and curriculum. In these disputes, the students usually lined up with the administration against the faculty.

The "boom and quasi-bust" of higher education in the sixties and seventies has had its impact on college faculties. As student enrollments decline and state appropriations for higher education level off in the wake of inflation and shifting priorities, arguments favoring faculty unionism gain a sense of immediacy. The move to extend collective bargaining rights to public employees in general

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has placed pressure on faculty members in state-supported institutions. A lot of people are going for the public pie; faculty members feel forced to unionize just to keep their piece.

Almost 300 colleges and universities bargained collectively with representatives of their faculties last year. Bargaining units represent about 80,000 faculty members, roughly 15 per cent of the national teaching strength. In late 1969 only 27 contracts had been negotiated, 156 are in force today. It is true that collective bargaining in higher education is primarily a community college phenomenon. It is clear that union activity has not matched the early predictions of very rapid growth. The level of activity is not constant; the trend, however, is ever upward. The future of faculty unionization lies in large part with the success of legislative activity in the states. A majority of states has not yet passed enabling legislation: twenty-nine states do not have legislation which covers academic collective bargaining. Of these 29, however, legislation enabling faculty collective bargaining is under consideration in 28. When and if such legislation is successful, faculty unionization will, without a doubt, greatly accelerate.

Student concern regarding faculty unionism does not stem from a belief that public employee collective bargaining is bad public policy. To the contrary, most students recognize the civil right of employees to organize and bargain collectively. Our concern instead stems from the impact that collective bargaining has had, and will have, on the quality of university instruction, and the participation of students in university governance. This is what students fear: We are concerned that increases in salaries and fringe benefits won

by faculty unions will come out of students' pockets in the form of higher tuition. At a time when state dollars for higher education are being held constant, students are the most politically convenient source of increased revenues. Students fear that faculty strikes will interrupt their education. Students are afraid that faculty collective bargaining will freeze them out of their hard-won participation in campus decision-making. Most importantly, students are concerned that the quality of the "educational product" will be eroded.

Student fears are legitimate ones. In the industrial model collective bargaining is a bi-lateral (union-management) negotiating process which traditionally takes place in secret. The lines between faculty and administration (union and management) are very cloudy, particularly in institutions where faculty have a high degree of control over their working environment. Education is a process, not a product which can be seen in terms of a producer-consumer model. In spite of these facts, most colleges have adopted the industrial model. "Conditions of employment," under this construct, involve educational policy issues by definition. "Wages, hours and working conditions" are being interpreted to include questions of class size, faculty workload, curriculum, tenure and research. Stipulations regarding teacher and course evalutions have been included in almost every contract now binding. It is not even unusual for questions concerning access to student records, the academic calendar and the administration of student services to be rigidly defined in a negotiated contract.

There is no question that faculty contract demands have gone beyond economic issues. Two colleges in Massachusetts, for example,

have placed their entire governance plans in their collectively bargained contracts. Thus, campus governance structures once flexible enough to accommodate student involvement are superceded by newly-created joint administrative-faculty advisory committees which are set rigidly into law. Educational policy issues are negotiated in secret, behind closed doors. Course offerings may be reduced or entire programs phased out. Innovative educational programs which make use of community resources may be eliminated due to rigid definitions of faculty workload. Remedial and other support programs for minority students which inflate faculty workloads may well be the first to go. Student needs for part-time learning opportunities on evenings and week-ends come up square against faculty desires for a more "normal" work week. Student-controlled course and teacher evaluations fall victim to faculty desires to limit such judgments to their peers. "Due process" clauses which call for automatic promotion regardless of merit considerations further decrease the impact of evaluative mechanisms. These are all educational policy questions of vital concern to students, yet students are not at the table when they are being negotiated. Students in the Chicago Community College system (1968), the City University of New York (1973), the State University of New York (1972) and Michigan State University (1972) have been almost totally excluded from any participation or consultation once contracts began to be negotiated. Out of sight, and thus out of mind, students and their interests in these areas remain either unknown or ignored.

Unfortunately, it appears that the faculty perceive their negotiating rights under collective bargaining in the narrow fashion which characterizes collective bargaining in private industry. When

issues concerning campus governance arise the faculty see the maintenance or improvement of the rights and benefits stipulated in their contract as their major priority.[2] In simplist terms, the situation is framed as faculty power versus student power. Still smarting from the gains students made in the 60's in the areas of curriculum and faculty review and promotion, professors seek, through the negotiating process, to reassert their perogatives. If the growth of faculty collective bargaining is inevitable, as many analysts predict; if the scope of issues negotiated behind closed doors continues to expand, as it no doubt will, given political realities, students must involve themselves in the bargaining process or forfeit their role in university decision-making.

How can student involvement best be accomplished? Our strategies are several: to ask for judicial intervention in the event of a faculty strike, to seek observer status at the negotiations, to seek participatory status in the bargaining between faculty and the administration, to establish limited tripartite bargaining through legislation which would limit the issues upon which students could participate and exercise a veto, to gain full tripartite bargaining through lobbying for legislation which would protect student interests.[3] Judicial intervention is not particularly attractive; strikes at educational institutions are generally not resolved through injunctions; student participation cannot be gained through the courts. In fact, the only way that student participation can be ensured is by stipulating such in the enabling legislation as it is being written. All other roads to student involvement are less satisfactory, for they depend on the permission of the other parties.

Full tripartite bargaining, allowing students to sit in an all

bargaining sessions with full rights to information and the ability to veto proposed agreements, is probably not politically feasible at this time. That student lobbies are presenting this as a model, however, forces state legislators to recognize the inter-relatedness of all negotiable issues and their impact on student rights and educational quality. Providing for student observer status is feasible and has been done. In California, for example, the proposed legislation was amended to allow for student observers. (The bill was later vetoed by Governor Reagan; we joined those asking for that veto.) Students should not, however, be content with observer status as their goal. We should be able to lobby for a provision in the legislation which will allow students to sit in on all negotiating sessions, with the right to participate in discussions, the right to be represented by counsel, and the right to caucus. We might, in addition, identify those issues over which students could, as provided by statute, exercise a veto power. These might include: the place of student-conducted evaluation of teaching in the faculty promotion and review process, student participation in academic senate committees, the student role in academic planning and curriculum review processes, class size and the diversity and frequency of course offerings, grading policy, policies concerning student-faculty grievances, student disciplinary procedures, allocation of income from student fees, and provisions affecting the operation, financing, staffing and management of student services. The law could also require that an "educational impact" report be filed by each group participating in the negotiations. The report would cover the impact of the proposed agreement on educational quality and the level of service to students, and the increased costs to students.

Needless to say, strategies which involve influencing the shape and scope of the enabling legislation presuppose the existence or creation at the state capitol of a permanent, well-financed, full-time staff responsible to legitimate student representatives. The spontaneous, haphazard efforts by students to influence governmental policy in the sixties were largely ineffective. Lobbying for provisions in legislation to protect student interests in academic collective bargaining will necessitate responsibility, permanence and a sense of history. These elements are present in our statewide lobby in California; they can become part of student organizations in other states as well.

Aggressive and external student strategies would not be necessary if policy-makers in the university and legislature would begin to draw distinctions between collective bargaining in the private industrial sector and the public service sector, and between institutions within the public service sector. Industrial employer-employee and producer-consumer models simply do not fit four-year higher educational institutions, in spite of any characteristics they may be coming to share with the American factory. The argument can be made, for example, that students are not only the "consumers" of higher education, but its "co-producers" as well. The point remains that little attention has been paid to the impact collective bargaining has had, and will have, on the university learning environment. This is a subject which warrents a closer look.

NOTES

1. Ladd, Everett Carll, Jr. and Lipset, Seymour Martin, Professors, Unions and American Higher Education, The Carnegie Commision, 1973 page 88, quoting Lieberman, Myron in Harper's, October 1971 pp. 61-62,70.

2. Shark, Alan R.,"The Students' Right to Collective Bargaining", "Viewpoint," Change Magazine, April, 1973, pg. 9.

3. I am in debt to Kevin Bacon, Co-Director of the U.C. Student Lobby, for his help in writing this section on possible student strategies.